IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN J. BUCKSHAW,)
)
          Petitioner,)   Civil Action No. 12-300
)
          v.)   Judge Cathy Bissoon
)   Chief Magistrate Judge Lenihan
ATTORNEY GENERAL OF)
PENNSYLVANIA, *et al.*,)
)
          Respondents.)

MEMORANDUM ORDER

Petitioner John J. Buckshaw brings the instant petition for writ of habeas corpus. Respondents filed a motion to dismiss on September 7, 2012. (Doc. 17). Petitioner responded thereto on October 9, 2012, and again on November 6, 2012. (Docs. 20 and 22).

This matter was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrate Judges. The magistrate judge issued a report and recommendation on April 15, 2013, recommending that the petition be dismissed due to the fact that Petitioner is not "in custody" within the meaning of the habeas statute. (Doc. 23 at 4). The magistrate judge also recommended that a certificate of appealability be denied. Id. The report was mailed to Petitioner at his address of record on the same day. Id. at 5. Objections to the report were due on April 29, 2013. Id. As of the date of this order, no objections have been filed, nor has Petitioner sought an extension of time to file the same.

After *de novo* review of the pleadings and documents in the case, together with the report and recommendation (Doc. 23), the following ORDER is entered:

AND NOW, this 9th day of May, 2013,

IT IS HEREBY ORDERED that Defendant's motion to dismiss (Doc. 17) is GRANTED.

Petitioner's habeas petition is DISMISSED, and a certificate of appealability is DENIED.

IT IS FURTHER ORDERED that the magistrate judge's report and recommendation

(Doc. 23) is adopted as the opinion of this Court.

BY THE COURT:

s\Cathy Bissoon
CATHY BISSOON
UNITED STATES DISTRICT JUDGE

cc:

JOHN J. BUCKSHAW
Post Office Box 18704
Washington, DC 20036

All Counsel of Record (via ECF email notification)